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AO 91 (Rev. 11/11) Criminal Complaint

Officer:

Lonnie Harper

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Candido ACOSTA-RODRIGUEZ,

Case No.

Case: 2:24-mj-30310

Assigned To : Unassigned

Assign. Date : 7/31/2024

Description: COMP USA V.

ACOSTA-RODRIGUEZ (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2023 in the county of Jackson in the
Eastern District of Michigan, the defendant(s) violated:

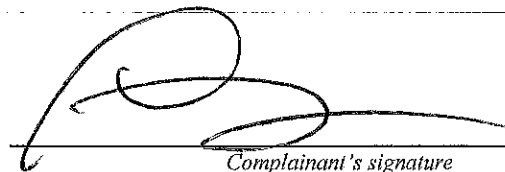
*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a), (b)(2)

Unlawful Re-entry after Removal from the United States, Prior Aggravated
Felony Conviction

This criminal complaint is based on these facts:

On or about November 9, 2023, in the Eastern District of Michigan, Southern Division, Candido ACOSTA-RODRIGUEZ, an alien who had previously been convicted of an aggravated felony offense and was subsequently excluded, deported, and removed from the United States on or about May 4, 2022, was found in the United States without the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a), (b)(2).

☒ Continued on the attached sheet.

Complainant's signature

Lonnie Harper, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: July 31, 2024

*Judge's signature*City and state: Detroit, MI

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Lonnie Harper, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement(ICE) of the United States Department of Homeland Security. I am assigned to the Fugitive Operation Unit. I have served with U.S. Immigration and Customs Enforcement since December 2015. I have successfully completed the Immigration Officers Basic Training Course at the Federal Law Enforcement Training Center in Glynco, Georgia.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. Candido ACOSTA-RODRIGUEZ, a/k/a Gerardo MARTINEZ-SUAREZ, is a 44 year old citizen and national of Mexico who last entered the United States on an unknown date, at an unknown location without inspection by the United States Department of Homeland Security.
4. On January 1, 1998, Gainesville Georgia Police Department arrested ACOSTA-RODRIGUEZ for the offense of hit and run; duty of driver to stop at or return to scene of accident. On April 6, 1998, ACOSTA-RODRIGUEZ was convicted of hit and run; duty of driver to stop at or return to scene of accident and was sentenced to 1 day jail and 12 months' probation.
5. On March 21, 1998, Hall County Georgia Sheriff's Department arrested ACOSTA-Rodriguez for the offense of purchase/possess/control - drug. On October 28, 1998, ACOSTA-RODRIGUEZ was convicted of purchase/possess/control - drug and he was sentenced to 1 year jail and 3 years, 11 months' probation.
6. On November 3, 1998, the Immigration and Naturalization Service (INS) arrested ACOSTA-RODRIGUEZ and served him with an I-221 Order to Show Cause and placed him into Immigration proceedings for a violation of

Section 237(a)(1)(A); Inadmissible at Entry or Adjustment of Status (controlled substance conviction before entry or adjustment) of the INA.

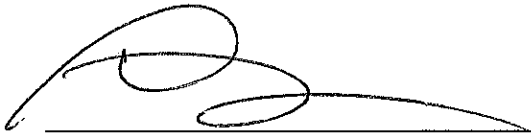
7. On January 8, 1999, ACOSTA-RODRIGUEZ was ordered removed from the United States to Mexico by an Immigration Judge in Atlanta, GA. On January 30, 1999, ACOSTA-RODRIGUEZ was removed from the United States to Mexico.
8. On March 14, 2002, U.S. Border Patrol (USBP) apprehended ACOSTA-RODRIGUEZ at or near Douglas, AZ, and voluntarily removed him to Mexico on the same date.
9. On March 2, 2003, USBP apprehended ACOSTA-RODRIGUEZ at or near Del Rio, TX, and voluntarily removed him to Mexico on the same date.
10. On August 8, 2009, Georgia State Patrol arrested ACOSTA-RODRIGUEZ for the offense of driving without a license. On October 8, 2009, ACOSTA-RODRIGUEZ was convicted of driving without a license and was sentenced to 2 days' jail and \$500 fine.
11. On February 23, 2010, USBP apprehended ACOSTA-RODRIGUEZ at or near Hidalgo, TX, and voluntarily removed him to Mexico on the same date.
12. On February 26, 2010, USBP apprehended ACOSTA-RODRIGUEZ at or near Hidalgo, TX, and voluntarily removed him to Mexico on the same date.
13. On May 5, 2010, USBP apprehended ACOSTA-RODRIGUEZ at or near Hidalgo, TX, and voluntarily removed him to Mexico on the same date.
14. On September 7, 2013, ACOSTA-RODRIGUEZ was arrested in Hall County, Georgia, on the offense of possession of methamphetamine with intent to distribute, trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, and illegal re-entry.

15. On May 27, 2014, ACOSTA-RODRIGUEZ was convicted of Conspiracy to Possess with the Intent to Distribute Methamphetamine in violation of 21 U.S.C. 846 and 841(b)(1)(A)(viii) and was sentenced by the United States District Court of Northern District of Georgia to 48 months' confinement, 5 years' supervised release and \$100 special assessment.
16. On March 17, 2017, U.S. Immigration and Customs Enforcement (ICE) encountered ACOSTA-RODRIGUEZ at the Bureau of Prisons (BOP) FCI - Yazoo City Mississippi and served him with Form I-871 Notice of Intent/Decision to Reinstate Prior Order. On May 4, 2017, BOP released ACOSTA-RODRIGUEZ to ICE custody, and he was subsequently removed to Mexico on the same date.
17. On December 23, 2020, Jackson, MI Police Department arrested ACOSTA-RODRIGUEZ for the offense of weapons - carrying concealed and dangerous drugs. During booking at the Jackson Police Department, ACOSTA-RODRIGUEZ was fingerprinted which revealed a match to ACOSTA-RODRIGUEZ, Alien File No. XXX XXX 444, a previously deported alien, subsequent to a felony conviction. This arrest was not prosecuted.
18. On January 9, 2021, ICE encountered ACOSTA-RODRIGUEZ at the Jackson County Jail in Jackson, MI, and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
19. On January 15, 2021, ACOSTA-RODRIGUEZ was charged in the Eastern District of Michigan with Unlawful Re-Entry following a felony conviction, in violation of 8 U.S.C. §1326(a)(b)(1). On or about February 22, 2022, he was sentenced to time served.
20. On May 4, 2022, ICE removed ACOSTA-RODRIGUEZ from the U.S. to Mexico via Brownsville, TX.
21. On September 14, 2023, the Jackson Police Department in Jackson, MI, arrested ACOSTA-RODRIGUEZ for the offense of controlled substance -

possession of methamphetamine/ecstasy and police officer -
assaulting/resisting/obstructing.


22. On November 9, 2023, ICE Detroit Field Office issued an I-247 immigration detainer and I-200 immigration warrant for the arrest of ACOSTA-RODRIGUEZ at the Jackson County Jail in Jackson, MI.
23. On April 9, 2024, the ACOSTA-RODRIGUEZ was convicted in the 4th Circuit Court for the offense of controlled substance - possession of methamphetamine/ecstasy and police officer - assaulting/resisting/obstructing and sentenced him to 365 days' confinement.
24. On July 15, 2024, ICE Detroit Field Office arrested ACOSTA-RODRIGUEZ at the Jackson County Jail in Jackson, Michigan, after he was released on local criminal charges. ACOSTA-RODRIGUEZ was arrested without incident and transported to the ICE/ERO Detroit Field Office in Detroit, MI, for processing.
25. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
26. On July 15, 2024, the official Immigration file and system-automated data were reviewed and showed that ACOSTA-RODRIGUEZ, Alien File No. XXX XXX 444, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326.
27. Based on the above information, I believe there is probable cause to conclude that Candido ACOSTA-RODRIGUEZ is an alien, who had previously been

convicted of an aggravated felony offense and who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(2).



Lonnie Harper, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Hon. Anthony P. Patti
United States Magistrate Judge

July 31, 2024